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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,494	10/16/2003	Marc Husemann	tesa AG 1615-WCG	9053
7590	08/04/2004			
Norris, McLaughlin & Marcus P.A. 220 East 42nd Street, 30th Floor New York, NY 10017			EXAMINER ZALUKAEVA, TATYANA	
			ART UNIT 1713	PAPER NUMBER

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,494	HUSEMANN ET AL.	
	Examiner Tatyana Zalukaeva	<b>Art Unit</b> 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 16 October 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by any one of the following each one individually: Husemann et al (US 2003/0013790A1) or Husemann et al (U.S. 2003/0073767A1) or Husemann et al (U.S. 6,765, 078).

Husemann'790 discloses pressure sensitive adhesive based on triblock copolymers having alternating groups P(A) and P(B) (abstract). P(A) represents a homopolymer or copolymer block obtainable from a component A which is composed of at least two monomers A1, A2, the polymer block P(A) having a softening temperature of from -80C to 0 C (abstract, [0022], P(B) represents a homopolymer or copolymer block obtainable from a component B which is composed of at least one monomer B1, the polymer block P(B) having a softening temperature of from 20C to 175 C [0027].

Crosslinking is disclosed in [0084]. The pressure sensitive adhesive was applied to PE or polypropylene substrate [0091]. See also [0103].

Husemann'767 discloses a pressure sensitive adhesive based on block copolymers, said block copolymers having at least one unit composed of three successive polymer blocks comprising alternating polymer blocks P(A) and P(B), wherein P(A) has a softening temperature of from -80C to 0C., and is comprised of at least one acrylic or methacrylic acid derivative of the general formula (I) and at least one acrylated monomer of the general formula (II), and P(B) represents a homopolymer or copolymer block having a softening temperature of from 20C to 175C (abstract), [0037, 0038, 0045, 0081, 0082, 00840105, 0109].

Husemann'078 discloses block polymers comprising blocks of polyacrylates having the instantly claimed properties (abstract, col.3, lines 65-67, col.4, lines 1-10, 44, 45, col.5, lines 48-50, 59-65, col.6, lines 8-17, 27-31, 40-49, col.13, lines 1-5, 30-35, Table 4.).

With regard to the properties not expressly disclosed by the above reference, the rejection is made in the sense of In re Spada, 911 F 2d 705, 709 15 USPQ 1655, 1658 (Fed. Cir. 1990). When the claimed compositions are not novel, they are not rendered patentable by recitation of properties, whether or not these properties are shown or suggested in prior art.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by WO 0039233.

WO'233 discloses the PSA comprising block copolymer that comprises at least one of:

(A-B-A) triblocks, -(A-B)n- multiblocks, (A-B)n- star blocks, and

combinations thereof. Particularly preferred are the linear (A-B-A) triblock

structures. Preferably, the block copolymer is a methacrylate block copolymer (page 5, lines 27-31). Reads on limitations of claim1. Cohesive strength of adhesive is at least about 2,000 minutes when measured according to ASTM D 3654. Preferably,

the adhesive has a cohesive strength of at least about 6,000 minutes when measured

according to ASTM D 3654 (paragraph bridging pages 5 and 6). The substrate can be any suitable type of material depending on the desired application. Typically, the

substrate comprises a nonwoven, woven, foam, paper, polypropylene (e.g., biaxially

15 oriented polypropylene (BOPP)), polyethylene, polyester (e.g., polyethylene

terephthalate), or release liner (e.g., siliconized liner). (page 24, lines 9-16)Reads on claim 2. The adhesive can be compressed between two release surfaces and

cooled to form an adhesive transfer tape useful in laminating applications (page 25, lines 1-5). This reads on limitations of the instant claim 6.

With specific regard to claim 3, WO'233 teaches that the A blocks are each polymers independently derived from a monoethylenically unsaturated monomer, which as a homopolymer has a glass transition temperature (Tg) of greater than about 20°C, preferably about 20°C to about 200°C (page 6, lines 8-10). (B) block is a polymer

derived from a monoethylenically unsaturated monomer, which as a homopolymer has a glass transition temperature (Tg) of less than about 20<sup>o</sup>C, preferably about -70<sup>o</sup>C to about 20<sup>o</sup>C, (page 6, lines 17-20).

4. Other prior art references cited in PTOL-892 show the state of the art.
  
5. Claims 1-5 are directed to moulding, and claims 6, 7, 8 are directed to method of making, method of using and material comprising this bonding. At this point no restriction requirement has been made, however, if Applicants further amend the claims, add new claims to either of indicated groups, the restriction requirement can be imposed on the later stage of prosecution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (571) 272-1115. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tatyana Zalukaeva  
Primary Examiner  
Art Unit 1713

July 29, 2004

